

Randy Long

From: Randy Long
Sent: Friday, March 09, 2018 2:42 PM
To: CAJ; C Thrutchley
Cc: David Warta; Amy Gioletti; A Stipe; BAR; Bob Blakemore; Camie A. Hayes; Cyndie Browning; Daniel Smolen; Denelda L. Richardson; HVR; J Lollman; J Russell; Loren Delluomo; Michael P. Robertson; P Hixon; P Williams; RAS; RWLM; T Calvin; Brady Henderson; J Elrod
Subject: RE: Copeland, et al. v. CAAIR, et al. Discovery Stay

All:

CAAIR agrees to Plaintiffs' proposal on outstanding discovery between CAAIR and Plaintiffs.

Responses to the 27 sets of discovery that have been served by CAAIR will be due as follows.

The first 5 sets of responses are due April 2.

The second set of 10 are due April 16.

The last set of 12 are due April 30.

Plaintiff counsel will pick which served plaintiffs will respond within those groupings. CAAIR will not serve any new discovery on Plaintiffs until after April 30.

If I misstated anything, please advise.

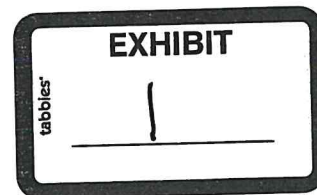
Thanks

**RHODES
HIERONYMUS**
— Est. 1931 —

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From: Carey James [mailto:caj@asmlawyers.com]
Sent: Wednesday, March 07, 2018 2:11 PM
To: C Thrutchley
Cc: Randy Long; David Warta; Amy Gioletti; A Stipe; BAR; Bob Blakemore; Camie A. Hayes; Cyndie Browning; Daniel Smolen; Denelda L. Richardson; HVR; J Lollman; J Russell; Loren Delluomo; Michael P. Robertson; P Hixon; P Williams; RAS; RWLM; T Calvin; Brady Henderson; J Elrod
Subject: Re: Copeland, et al. v. CAAIR, et al. Discovery Stay



Randy,

Were on. You going to join us?

On Wed, Mar 7, 2018 at 10:29 AM, Carey James <caj@asmlawyers.com> wrote:
Chris and Randy,

Dave and I are available at 2 pm your time. Does that work? If so, we can use the same call-in.

Thanks,

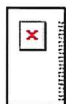
Carey

On Wed, Mar 7, 2018 at 8:24 AM, Chris S. Thrutchley <cthutchley@gablelaw.com> wrote:

I have availability this afternoon as well.

Also, would plaintiffs please confirm today whether they have any objection to Simmons obtaining leave to file an oversized reply brief? The motion we propose to file today is attached.

Thanks in advance for your continued professional courtesy.



Chris S. Thrutchley, SHRM-SCP | Shareholder | GableGotwals
1100 ONEOK Plaza | 100 West 5th Street | Tulsa, OK 74103-4217 USA
(w) [918.595.4810](tel:918.595.4810) | (f) [918.595.4990](tel:918.595.4990) | www.gablelaw.com | [Bio](#)

From: Randy Long [mailto:rlong@rhodesokla.com]

Sent: Tuesday, March 6, 2018 2:43 PM

To: CAJ <caj@asmlawyers.com>

Cc: David Warta <davidwarta@ssrok.com>; Amy Gioletti <agioletti@acluok.org>; Amy M. Stipe <astipe@gablelaw.com>;
BAR <bar@asmlawyers.com>; Bob Blakemore <bobbblakemore@ssrok.com>; Chris S. Thrutchley
<cthutchley@gablelaw.com>; Camie A. Hayes <CHayes@rhodesokla.com>; Cyndie Browning
<cbrowning@gablelaw.com>; Daniel Smolen <danielsmolen@ssrok.com>; Denelda L. Richardson
<drichardson@rhodesokla.com>; HVR <hvr@asmlawyers.com>; Justin Lollman <jollman@gablelaw.com>; John Russell
<jrussell@gablelaw.com>; Loren Delluomo <LDelluomo@rhodesokla.com>; Michael P. Robertson
<MRobertson@rhodesokla.com>; Philip D. Hixon <phixon@gablelaw.com>; Paula Williams <pwilliams@gablelaw.com>;
RAS <ras@asmlawyers.com>; RWLM <rwlm@asmlawyers.com>; Tracie D. Calvin <tcalvin@gablelaw.com>; Brady

Henderson <bhenderson@acluok.org>

Subject: RE: Copeland, et al. v. CAAIR, et al. Discovery Stay

Sure. afternoon would be best

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From: Carey James [<mailto:caj@asmlawyers.com>]

Sent: Tuesday, March 06, 2018 2:16 PM

To: Randy Long

Cc: David Warta; Amy Gioletti; A Stipe; BAR; Bob Blakemore; C Thrutchley; Camie A. Hayes; Cyndie Browning; Daniel Smolen; Denelda L. Richardson; HVR; J Lollman; J Russell; Loren Delluomo; Michael P. Robertson; P Hixon; P Williams; RAS; RWLM; T Calvin; Brady Henderson

Subject: Re: Copeland, et al. v. CAAIR, et al. Discovery Stay

Randy, sorry, but something came up. How about tomorrow? I will get back to you with a time ASAP.

On Tue, Mar 6, 2018 at 12:01 PM, Randy Long <rlong@rhodesokla.com> wrote:

Sure. time?

RHODES

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From: Carey James [mailto:caj@asmlawyers.com]

Sent: Tuesday, March 06, 2018 1:20 PM

To: Randy Long

Cc: David Warta; Amy Gioletti; A Stipe; BAR; Bob Blakemore; C Thrutchley; Camie A. Hayes; Cyndie Browning; Daniel Smolen; Denelda L. Richardson; HVR; J Lollman; J Russell; Loren Delluomo; Michael P. Robertson; P Hixon; P Williams; RAS; RWLM; T Calvin; Brady Henderson

Subject: Re: Copeland, et al. v. CAAIR, et al. Discovery Stay

Randy and Chris.

Can you guys talk for a few minutes this afternoon?

On Fri, Mar 2, 2018 at 1:00 PM, Carey James <caj@asmlawyers.com> wrote:

Randy,

I actually calculate **March 13, 2018** as the due date for responses to the second 12 sets.

They were served on February 8, but the period is calculated from February 9 by virtue of Rule 6(a)(1)(A). Three days are added by virtue of Rule 6(d) because they were served by mail. 33 days from February 9 is March 13.

Even if we assume responses were due March 10 (a Saturday), that date would be moved up to Monday March 12 per Rule 6(a)(1)(C).

On Fri, Mar 2, 2018 at 12:42 PM, Randy Long <rlong@rhodesokla.com> wrote:

Carey:

I show the first 15 sets of discovery requests were served on 1/26. Allowing 3 days, the responses were due on 2/28. David requested an additional 21 days, and we agreed. So, those are due on 3/21.

The next 12 sets was served on 2/8. Allowing 3 days, the responses are due on March 10.

If you disagree on those dates, let us know.

We will talk to you Monday at 2:00pm (Central) on the same number/code below.

Thanks

Randall E. Long

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From: Carey James [mailto:caj@asmlawyers.com]

Sent: Thursday, March 01, 2018 5:19 PM

To: David Warta; Randy Long; Amy Gioletti

Cc: A Stipe; BAR; Bob Blakemore; C Thrutchley; Camie A. Hayes; Cyndie Browning; Daniel Smolen; Denelda L. Richardson; HVR; J Lollman; J Russell; Loren Delluomo; Michael P. Robertson; P Hixon; P Williams; RAS; RWLM; T Calvin; Brady Henderson

Subject: Re: Copeland, et al. v. CAAIR, et al. Discovery Stay

All,

Here's the call-in for the 1:15 PM CT call tomorrow (Friday).

Dial-in Number: [267-930-4000](tel:267-930-4000)

Access Code: 351-259-317

Thanks,

Carey

On Thu, Mar 1, 2018 at 2:15 PM, David Warta <davidwarta@ssrok.com> wrote:

Randy,

We faxed and mailed initial disclosures to Defendants yesterday. Please find attached.

David A. Warta

Attorney at Law

Smolen, Smolen, & Roytman, PLLC

701 South Cincinnati Avenue

Tulsa, Oklahoma 74119

Phone: (918)585-2667

Fax: (918)585-2669

davidwarta@ssrok.com

On Mar 1, 2018, at 4:06 PM, Randy Long <rlong@rhodesokla.com> wrote:

Thanks. Did plaintiffs mail their initial disclosures? I didn't see anything via email.

Randy Long

Sent from my iPhone

On Mar 1, 2018, at 3:56 PM, Carey James <caj@asmlawyers.com<<mailto:caj@asmlawyers.com>>> wrote:

Thanks, Randy. I'll circulate a call-in.

On Thu, Mar 1, 2018 at 1:47 PM Randy Long <rlong@rhodesokla.com<<mailto:rlong@rhodesokla.com>>> wrote:

Make it 1:15 and it's a deal.

Randy Long

Sent from my iPhone

On Mar 1, 2018, at 2:50 PM, Carey James

<caj@asmlawyers.com<<mailto:caj@asmlawyers.com>><<mailto:caj@asmlawyers.com><<mailto:caj@asmlawyers.com>>>> wrote:

1 PM your time tomorrow?

On Thu, Mar 1, 2018 at 12:49 PM, Randy Long

<rlong@rhodesokla.com<<mailto:rlong@rhodesokla.com>><<mailto:rlong@rhodesokla.com><<mailto:rlong@rhodesokla.com>>>>

[<sokla.com>](mailto:sokla.com)>>> wrote:

Sorry I had to drive to OKC. Tomorrow early afternoon?

Randy Long

Sent from my iPhone

On Mar 1, 2018, at 1:18 PM, Carey James

[<caj@asmlawyers.com>](mailto:caj@asmlawyers.com)[<mailto:caj@asmlawyers.com>](mailto:caj@asmlawyers.com)[<mailto:caj@asmlawyers.com>](mailto:caj@asmlawyers.com)[<mailto:caj@asmlawyers.com>](mailto:caj@asmlawyers.com)>>><mailto:caj@asmlawyers.com>[<mailto:caj@asmlawyers.com>](mailto:caj@asmlawyers.com)[<mailto:caj@asmlawyers.com>](mailto:caj@asmlawyers.com)[<mailto:caj@asmlawyers.com>](mailto:caj@asmlawyers.com)[<mailto:caj@asmlawyers.com>](mailto:caj@asmlawyers.com)>>>> wrote:

How about 2 PM CT today (i.e., in 45 minutes)?

On Thu, Mar 1, 2018 at 6:58 AM, Randy Long

[<rlong@rhodesokla.com>](mailto:rlong@rhodesokla.com)[<mailto:rlong@rhodesokla.com>](mailto:rlong@rhodesokla.com)[<mailto:rlong@rhodesokla.com>](mailto:rlong@rhodesokla.com)[<mailto:rlong@rhodesokla.com>](mailto:rlong@rhodesokla.com)>>><mailto:rlong@rhodesokla.com>[<mailto:rlong@rhodesokla.com>](mailto:rlong@rhodesokla.com)[<mailto:rlong@rhodesokla.com>](mailto:rlong@rhodesokla.com)[<mailto:rlong@rhodesokla.com>](mailto:rlong@rhodesokla.com)>>>> wrote:

How about 1:00 today or 1:15 Friday?

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From: David Warta

[<mailto:davidwarta@ssrok.com>](mailto:davidwarta@ssrok.com)[<mailto:davidwarta@ssrok.com>](mailto:davidwarta@ssrok.com)[<mailto:davidwarta@ssrok.com>](mailto:davidwarta@ssrok.com)[<mailto:davidwarta@ssrok.com>](mailto:davidwarta@ssrok.com)>>><mailto:davidwarta@ssrok.com>[<mailto:davidwarta@ssrok.com>](mailto:davidwarta@ssrok.com)[<mailto:davidwarta@ssrok.com>](mailto:davidwarta@ssrok.com)[<mailto:davidwarta@ssrok.com>](mailto:davidwarta@ssrok.com)>>>>

Sent: Wednesday, February 28, 2018 5:15 PM

To: Randy Long

Cc: Denelda L. Richardson; Loren Delluomo; Michael P. Robertson; Camie A. Hayes; Daniel Smolen; Bob Blakemore; CAJ; HVR; RWLM; RAS; BAR; J Russell; A Stipe; C Thrutchley; J Lollman; P Hixon; Cyndie Browning; P Williams; T Calvin

Subject: Re: Copeland, et al. v. CAAIR, et al. Discovery Stay

Randy,
How about 2:00 tomorrow?

Thanks,
David
Sent from my iPhone

On Feb 28, 2018, at 3:59 PM, Randy Long
<rlong@rhodesokla.com<<mailto:rlong@rhodesokla.com>><<mailto:rlong@rhodesokla.com><<mailto:rlong@rhodesokla.com>>><<mailto:rlong@rhodesokla.com><<mailto:rlong@rhodesokla.com>>>>> wrote:
David, can we arrange a call for tomorrow or Friday to discuss? Thanks

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From: David Warta
[<mailto:davidwarta@ssrok.com><<mailto:davidwarta@ssrok.com>><<mailto:davidwarta@ssrok.com><<mailto:davidwarta@ssrok.com>>>]
Sent: Tuesday, February 27, 2018 11:54 AM
To: Randy Long; Denelda L. Richardson; Loren Delluomo; Michael P. Robertson; Camie A. Hayes
Cc: Daniel Smolen; Bob Blakemore; CAJ; HVR; RWLM; RAS; BAR; J Russell; A Stipe; C Thrutchley; J Lollman; P Hixon; Cyndie Browning; P Williams; T Calvin
Subject: Copeland, et al. v. CAAIR, et al. Discovery Stay

Counsel:

In the Joint Status Report, the parties agreed that it would be premature for the Court to issue a scheduling order until after the Court has resolved Simmons' Motion to Dismiss. The parties further agreed that the twelve

month pre-class certification discovery period would commence upon resolution of Simmons' Motion to Dismiss. Dkt. 51 at p. 7. Based upon the representations made in the Joint Status Report, Judge Kern entered a Minute Order finding "good cause for delay in issuing a scheduling order in this case, as Defendants Simmons Foods, Inc., and Simmons Pet Food, Inc., have filed a Motion to Dismiss, which should first be resolved." Dkt. 52.

Since the parties agreed to commence pre-class discovery after resolution of Simmons' Motion to Dismiss, the 27 sets of discovery requests issued by CAAIR to date are premature. Furthermore, the focus of the requests is on individual, merits-based issues, rather than class-based inquiries.

Please let us know by February 28, 2018 whether CAAIR agrees to stay Plaintiffs' responses to CAAIR's pending discovery until 30 days after resolution of Simmons' Motion to Dismiss, so that we do not have to seek the Court's intervention in this matter.

Regards,

David A. Warta
Attorney at Law
Smolen, Smolen, & Roytman, PLLC

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Tulsa, Oklahoma

74119<<https://maps.google.com/?q=701+South+Cincinnati+Avenue+%0D%0A+%0D%0A+%0D%0A+Tulsa,+Oklahoma+74119&entry=gmail&source=g>>

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<image001.png>

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